

# PATENT COOPERATION TREATY

**PCT**

## NOTIFICATION OF THE RECORDING OF A CHANGE

(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

SIMS, Anthony, W.  
29 Clarence Street  
P.O. Box 759  
Hamilton 2001  
NOUVELLE-ZÉLANDE

|   |  |
|---|--|
| <b>Date of mailing (day/month/year)</b><br>30 March 2000 (30.03.00) |  |
| <b>Applicant's or agent's file reference</b><br>15602/3X027         | <b>IMPORTANT NOTIFICATION</b>  |
| <b>International application No.</b><br>PCT/NZ99/00016              | <b>International filing date (day/month/year)</b><br>09 February 1999 (09.02.99) |

1. The following indications appeared on record concerning:

☒ the applicant
 ☒ the inventor
 ☐ the agent
 ☐ the common representative

|                                 |                                   |                                 |
|---------------------------------|-----------------------------------|---------------------------------|
| <b>Name and Address</b><br><br> | <b>State of Nationality</b><br>NZ | <b>State of Residence</b><br>NZ |
|                                 | <b>Telephone No.</b>              |                                 |
|                                 | <b>Facsimile No.</b>              |                                 |
|                                 | <b>Teleprinter No.</b>            |                                 |

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☒ the person
 ☒ the name
 ☒ the address
 ☒ the nationality
 ☒ the residence

|   |                                   |                                 |
|---|-----------------------------------|---------------------------------|
| <b>Name and Address</b><br>DUIRS, Lindsay, Alison<br>17 MacFarlane Street<br>Hamilton 2001<br>New Zealand | <b>State of Nationality</b><br>NZ | <b>State of Residence</b><br>NZ |
|   | <b>Telephone No.</b>              |                                 |
|   | <b>Facsimile No.</b>              |                                 |
|   | <b>Teleprinter No.</b>            |                                 |

3. Further observations, if necessary:

**Additional applicant/inventor for all designated States.**

4. A copy of this notification has been sent to:

|   |   |
|---|---|
| <input checked="" type="checkbox"/> the receiving Office                              | <input type="checkbox"/> the designated Offices concerned         |
| <input type="checkbox"/> the International Searching Authority                        | <input checked="" type="checkbox"/> the elected Offices concerned |
| <input checked="" type="checkbox"/> the International Preliminary Examining Authority | <input type="checkbox"/> other:                                   |

|  |   |
|--|---|
| <b>The International Bureau of WIPO</b><br>34, chemin des Colombettes<br>1211 Geneva 20, Switzerland<br><br>Facsimile No.: (41-22) 740.14.35 | <b>Authorized officer</b><br><br>Dominique DELMAS<br><br>Telephone No.: (41-22) 338.83.38 |
|--|---|

16

**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**  
(PCT Article 36 and Rule 70)

REC'D 24 MAY 2000  
PCT

|  |   |  |
|--|---|--|
| Applicant's or agent's file reference<br>15602 PCX 027/24  | <b>FOR FURTHER ACTION</b>   | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416). |
| International application No.<br><b>PCT/NZ 99/00016</b>  | International filing date ( <i>day/month/year</i> )<br>09 February 1999 | Priority Date ( <i>day/month/year</i> )<br>13 February 1998  |
| International Patent Classification (IPC) or national classification and IPC<br><br><b>Int. Cl.<sup>7</sup>    A61M 81/00; A61D 7/00</b> |   |  |
| Applicant<br>DUIRS, Graham Francois  |   |  |

|   |  |   |                                     |                     |    |                          |          |     |                                     |  |    |                          |                            |   |                                     |   |    |                          |                         |     |                                     |  |      |                          |   |
|---|--|---|-------------------------------------|---------------------|----|--------------------------|----------|-----|-------------------------------------|--|----|--------------------------|----------------------------|---|-------------------------------------|---|----|--------------------------|-------------------------|-----|-------------------------------------|--|------|--------------------------|---|
| 1.  | This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.   |   |                                     |                     |    |                          |          |     |                                     |  |    |                          |                            |   |                                     |   |    |                          |                         |     |                                     |  |      |                          |   |
| 2.  | This REPORT consists of a total of <b>5</b> sheets, including this cover sheet.<br><br><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).<br><br>These annexes consist of a total of <b>2</b> sheet(s). |   |                                     |                     |    |                          |          |     |                                     |  |    |                          |                            |   |                                     |   |    |                          |                         |     |                                     |  |      |                          |   |
| 3. This report contains indications relating to the following items:<br><br><table style="width: 100%; border: none;"> <tr> <td style="width: 5%;">I</td> <td style="width: 5%;"><input checked="" type="checkbox"/></td> <td>Basis of the report</td> </tr> <tr> <td>II</td> <td><input type="checkbox"/></td> <td>Priority</td> </tr> <tr> <td>III</td> <td><input checked="" type="checkbox"/></td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>IV</td> <td><input type="checkbox"/></td> <td>Lack of unity of invention</td> </tr> <tr> <td>V</td> <td><input checked="" type="checkbox"/></td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td><input type="checkbox"/></td> <td>Certain documents cited</td> </tr> <tr> <td>VII</td> <td><input checked="" type="checkbox"/></td> <td>Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td><input type="checkbox"/></td> <td>Certain observations on the international application</td> </tr> </table> |  | I   | <input checked="" type="checkbox"/> | Basis of the report | II | <input type="checkbox"/> | Priority | III | <input checked="" type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | IV | <input type="checkbox"/> | Lack of unity of invention | V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | VI | <input type="checkbox"/> | Certain documents cited | VII | <input checked="" type="checkbox"/> | Certain defects in the international application | VIII | <input type="checkbox"/> | Certain observations on the international application |
| I   | <input checked="" type="checkbox"/>  | Basis of the report   |                                     |                     |    |                          |          |     |                                     |  |    |                          |                            |   |                                     |   |    |                          |                         |     |                                     |  |      |                          |   |
| II  | <input type="checkbox"/>   | Priority  |                                     |                     |    |                          |          |     |                                     |  |    |                          |                            |   |                                     |   |    |                          |                         |     |                                     |  |      |                          |   |
| III   | <input checked="" type="checkbox"/>  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |                                     |                     |    |                          |          |     |                                     |  |    |                          |                            |   |                                     |   |    |                          |                         |     |                                     |  |      |                          |   |
| IV  | <input type="checkbox"/>   | Lack of unity of invention  |                                     |                     |    |                          |          |     |                                     |  |    |                          |                            |   |                                     |   |    |                          |                         |     |                                     |  |      |                          |   |
| V   | <input checked="" type="checkbox"/>  | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |                                     |                     |    |                          |          |     |                                     |  |    |                          |                            |   |                                     |   |    |                          |                         |     |                                     |  |      |                          |   |
| VI  | <input type="checkbox"/>   | Certain documents cited   |                                     |                     |    |                          |          |     |                                     |  |    |                          |                            |   |                                     |   |    |                          |                         |     |                                     |  |      |                          |   |
| VII   | <input checked="" type="checkbox"/>  | Certain defects in the international application  |                                     |                     |    |                          |          |     |                                     |  |    |                          |                            |   |                                     |   |    |                          |                         |     |                                     |  |      |                          |   |
| VIII  | <input type="checkbox"/>   | Certain observations on the international application   |                                     |                     |    |                          |          |     |                                     |  |    |                          |                            |   |                                     |   |    |                          |                         |     |                                     |  |      |                          |   |

|  |  |
|--|--|
| Date of submission of the demand<br>05 July 1999   | Date of completion of the report<br>01 May 2000                          |
| Name and mailing address of the IPEA/AU<br><br>AUSTRALIAN PATENT OFFICE<br>PO BOX 200<br>WODEN ACT 2606 AUSTRALIA<br>E-mail address: pct@ipaustalia.gov.au<br>Facsimile No. (02) 6285 3929 | Authorized Officer<br><br><br>SUE THOMAS<br>Telephone No. (02) 6283 2454 |

**I. Basis of the report**

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed.
- ☒ the description, pages 1-15 , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of.
- ☒ the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages 16 and 17, received on 5 April 2000 with the letter of 5 April 2000 .
- ☒ the drawings, pages 1/6 - 6/6 , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of .
- ☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of .

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, was on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be nonobvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos.: **9-10**

because:

☒ the said international application, or the said claims Nos. **9 and 10** relate to the following subject matter which does not require an international preliminary examination (*specify*):

These claims rely upon the description and drawings to import features to the claims and do not comply with rule 6.2(a) of the PCT.

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claim Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

|                               |            |     |
|-------------------------------|------------|-----|
| Novelty (N)                   | Claims 1-8 | YES |
|                               | Claims     | NO  |
| Inventive step (IS)           | Claims 1-8 | YES |
|                               | Claims     | NO  |
| Industrial applicability (IA) | Claims 1-8 | YES |
|                               | Claims     | NO  |

**2. Citations and explanations (Rule 70.7)**

The invention is a substance dispenser having a central aperture, which slides over a corresponding section of a supporting structure to which it is releasably fixed, the dispenser formed as fingers extending from the support structure, and the surface area of the dispenser being independent of the support structure.

No single document of the prior art or obvious combination of documents provides this invention.

The closest art: WO 15788/93 provides a substance dispenser having a surface area independent of a support and a central aperture, which slides over a corresponding section of the supporting structure to which it is releasably fixed, but the dispenser does not provide fingers extending from the support structure.

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

- (a) Claims 9 and 10 do not comply with rule 6.2(a) of the PCT because the claims should not rely on references to the description or drawings.

**CLAIMS:**

1. A substance delivery device, including a substance dispenser fixed to a supporting structure by a releasable fixing means wherein the releasable fixing means includes a substance dispenser having a central aperture allowing the substance dispenser to slide over a corresponding section of the supporting structure and be readily removed from same, characterised in that the surface area of the substance dispenser is independent of the supporting structure and the substance dispenser is in the form of fingers extending from the support structure.
2. A substance delivery device as claimed in claim 1 wherein the said fingers are gills.
3. A substance delivery device as claimed in claim 1 wherein the said fingers are vanes.
4. A substance delivery device as claimed any one of claims 1 to 3 wherein the fingers are coated or impregnated with the substance to be dispensed.
5. A drug delivery device as claimed in any one of claims 1 to 4 wherein the substance dispenser is made from polydimethylsiloxane.
6. A substance delivery device as claimed in any one of claims 1 to 5 wherein the substance dispenser is highly flexible.
7. A substance delivery device as claimed in any one of claims 1 to 6 in the form of a intravaginal release device.

8. A substance delivery device as claimed in any one of claims 1 to 7 for use with cows.
9. A substance delivery device substantially as herein described with reference to and as illustrated by the accompanying drawings.
10. A method of delivering drugs substantially as herein described with reference to the description within the specification.